

# ***EXHIBIT 3***

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Jacqueline Scott Corley, Judge

WAYMO LLC,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	<b>NO. C 17-00939 WHA (JCS)</b>
	)	
UBER TECHNOLOGIES, INC.; OTTO	)	
TRUCKING LLC; and OTTOMOTTO	)	
LLC,	)	
	)	
Defendants.	)	
	)	

San Francisco, California  
Thursday, August 31, 2017

**TRANSCRIPT OF PROCEEDINGS**

**APPEARANCES:**

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**BY: JAMES E. BAKER**

Reported By: Lydia Zinn, CSR No. 9223, FCRR, Official Reporter

1 session; and we'll essentially be using the courtroom for your  
2 meet-and-confer. So anyone who is here, who is not with the  
3 firms, or -- you can have Mr. Patchen stay. It's up to you.  
4 He's a related party -- or not. Mr. Ehrlich was here. I don't  
5 know if he left, but anyone else who's here, we're going to  
6 close the courtroom, and use it as your meet-and-confer.

7 When I do come back, we'll reopen the courtroom, and it  
8 will be a public proceeding.

9 **MR. BAKER:** Thank you, Your Honor.

10 **MR. LIN:** One last issue. It's a small one, about  
11 the confidentiality designations. I didn't know if we wanted  
12 to address that currently, or if opposing counsel had made  
13 changes to the confidential designations to the exhibits of the  
14 motion that he we filed.

15 **MR. BAKER:** I believe our sealing declaration  
16 deadline is tonight. We have taken your instructions and your  
17 comments about Judge Alsup to heart. We're speaking with our  
18 client. I mean, so that's where we are. I mean, we can talk  
19 about it more if you want.

20 **THE COURT:** I'm going to -- I'm going to rule on it  
21 tomorrow.

22 They're going to submit their declaration, and it will be  
23 done. So either they've justified it, or they haven't.

24 For some of them, I'm assuming they're not going to even  
25 try because it was so obvious that it wasn't. I like it

1 Mr. Baker he smiles.

2           **MR. CHATTERJEE:** Your Honor, there's one small  
3 administrative thing. I hesitated when my colleagues have the  
4 final --

5           Just on the scope this of this waiver issue, and the  
6 documents have been kind of trickling out, and the depositions  
7 that are now scheduled for next week -- we don't want to lose  
8 the opportunity to be able to file a Motion to Compel if  
9 there's more privilege disputes. Today's our deadline, so I'd  
10 like to get some guidance on that.

11           **THE COURT:** If stuff is produced, like, after today,  
12 and then it's not -- obviously, you haven't lost your  
13 ability --

14           **MR. CHATTERJEE:** Well, even last night, things were  
15 produced.

16           **THE COURT:** Right, right, right, right. No.  
17 Obviously, you can't move to compel based on stuff that you  
18 didn't have. I got that. I got it.

19           **MR. CHATTERJEE:** Yeah. I just don't -- I want to  
20 make sure that we're not held to that deadline for just this  
21 limited body of stuff.

22           **THE COURT:** No. You'd have to make some showing  
23 about why you couldn't do it before. The burden will be on you  
24 to make the showing why you couldn't do it before.

25           **MR. CHATTERJEE:** That, we can --

1 that's something --

2           **MR. CHATTERJEE:** I think what we should do,  
3 Your Honor -- we'll review the transcripts. If we have  
4 anything we want to put Under Seal, we'll contact you.

5           **THE COURT:** If it's agreed to.

6           **MR. CHATTERJEE:** We'll let the court reporter know.

7           **MR. NARDINELLI:** We're okay with that, you guys.

8           **THE COURT:** Don't collude on that.

9           **MR. NARDINELLI:** I'm more concerned about the e-mail  
10 address. Okay.

11           **THE COURT:** Great.

12           (At 4:48 p.m. the proceedings were adjourned.)

13 I certify that the foregoing is a correct transcript from the  
14 record of proceedings in the above-entitled matter.

15

16 

17 \_\_\_\_\_ September 1, 2017

18 Signature of Court Reporter/Transcriber      Date

19 Lydia Zinn

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